

### § 1063. Obstruction of settlement on or transit over public lands

No person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto, in good faith.

(Feb. 25, 1885, ch. 149, § 3, 23 Stat. 322.)

#### REFERENCES IN TEXT

The public land laws of the United States, referred to in text, are classified generally to this title.

### § 1064. Violations of chapter; punishment

Any person violating any of the provisions of this chapter, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding \$1,000, or be imprisoned not exceeding one year, or both, for each offense.

(Feb. 25, 1885, ch. 149, § 4, 23 Stat. 322; Mar. 10, 1908, ch. 75, 35 Stat. 40.)

### § 1065. Summary removal of inclosures

The President is authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of the public lands mentioned in this chapter, and to employ civil or military force as may be necessary for that purpose.

(Feb. 25, 1885, ch. 149, § 5, 23 Stat. 322.)

### § 1066. Permission of Secretary to sue

Where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this chapter without authority from the Secretary of the Interior.

(Feb. 25, 1885, ch. 149, § 6, 23 Stat. 322.)

## CHAPTER 25A—LANDS HELD UNDER COLOR OF TITLE

Sec.	
1068.	Lands held in adverse possession; issuance of patent; reservation of minerals; conflicting claims.
1068a.	Appraisal.
1068b.	Mineral reservation.

### § 1068. Lands held in adverse possession; issuance of patent; reservation of minerals; conflicting claims

The Secretary of the Interior (a) shall, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under claim or

color of title for more than twenty years, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, or (b) may, in his discretion, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under claim or color of title for the period commencing not later than January 1, 1901, to the date of application during which time they have paid taxes levied on the land by State and local governmental units, issue a patent for not to exceed one hundred and sixty acres of such land upon the payment of not less than \$1.25 per acre: *Provided*, That where the area so held is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres, may be patented hereunder: *Provided further*, That coal and all other minerals contained therein are reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits: *And provided further*, That no patent shall issue under the provisions of this chapter for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant.

(Dec. 22, 1928, ch. 47, § 1, 45 Stat. 1069; July 28, 1953, ch. 254, § 1, 67 Stat. 227.)

#### REFERENCES IN TEXT

The leasing and mineral land laws, referred to in text, probably mean the mineral leasing laws which are classified generally to Title 30, Mineral Lands and Mining.

#### AMENDMENTS

1953—Act July 28, 1953, provided for mandatory issuance of land patents to certain adverse possessors and broadened discretionary power of Secretary to issue patents to parties who have paid taxes on certain public lands since Jan. 1, 1901.

### § 1068a. Appraisal

Upon the filing of an application to purchase any lands subject to the operation of this chapter, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

(Dec. 22, 1928, ch. 47, § 2, 45 Stat. 1070.)

### § 1068b. Mineral reservation

If the claimant requests that the patent to be issued under this chapter not contain a mineral reservation and if he can establish to the satisfaction of the Secretary that the requirements